

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC RECORDING CORPORATION; ARISTA MUSIC, fka BMG MUSIC; CAPITOL RECORDS, INC.; ELEKTRA ENTERTAINMENT GROUP INC.; INTERSCOPE RECORDS; LAFACE RECORDS LLC; MOTOWN RECORD COMPANY, L.P.; PRIORITY RECORDS LLC; SONY MUSIC ENTERTAINMENT, fka SONY BMG MUSIC ENTERTAINMENT; UMG Recordings, INC.; VIRGIN RECORDS AMERICA, INC.; and WARNER BROS. RECORDS INC.,

Plaintiffs,

– against –

LIME GROUP LLC; LIME WIRE LLC; MARK GORTON; GREG BILDSON; and M.J.G. LIME WIRE FAMILY LIMITED PARTNERSHIP;

Defendants.

ECF Case

06 CV 5936 (KMW)(DF)

**DEFENDANTS' RESPONSES TO PLAINTIFFS' STATEMENT OF MATERIAL FACTS
PURSUANT TO LOCAL CIVIL RULE 56.1**

Defendants Lime Group LLC, Lime Wire LLC, Mark Gorton and M.J.G. Lime Wire Family Limited Partnership (collectively, the “Defendants”) set forth, in support of their Opposition to Plaintiffs’ Motion for Partial Summary Judgment on the Direct Infringement of the Works at Issue (the “Opposition”), the following responses to Plaintiffs’ Statement of Undisputed Material Facts In Support of Plaintiffs’ Motion for Partial Summary Judgment Regarding Direct Infringement, Pursuant To Local Civil Rule 56.1. Defendants’ responses set forth below are only for the purposes of the Opposition, and Defendants reserve the right to refute any of the allegations set forth in Plaintiffs’ reply briefing and in other proceedings in the above-captioned action.

1. **DtecNet**: The anti-piracy firm DtecNet Software downloaded 10,181 of Plaintiffs’ copyrighted works from U.S.-based LimeWire users. *See* Declaration of Kelly M. Klaus, ¶ 2 & Ex. 1 (RC-00008845).

Undisputed as to the fact that DtecNet downloaded 10,181 songs from Lime Wire users. Otherwise disputed to the extent that Plaintiffs have failed to prove ownership of certain of the works. *See* Defendants’ Responses to Plaintiffs’ Statement of Material Facts Pursuant to Local Civil Rule 56.1 accompanying Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for Partial Summary Judgment on Copyright Ownership.

2. **MediaSentry**: The anti-piracy firm MediaSentry Inc. downloaded 1,024 of Plaintiffs’ copyrighted works from U.S.-based LimeWire users. *See* Declaration of Kelly M. Klaus, ¶ 2 & Ex. 1 (RC-00008845).

Undisputed as to the fact that MediaSentry downloaded 1,024 songs from Lime Wire users. Otherwise disputed to the extent that Plaintiffs have failed to prove ownership of certain of the works. *See* Defendants’ Responses to Plaintiffs’ Statement of Material Facts Pursuant to Local Civil Rule 56.1 accompanying Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for Partial Summary Judgment on Copyright Ownership.

Dated: New York, NY
February 28, 2011

WILLKIE FARR & GALLAGHER LLP

/s/ Thomas J. Meloro

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LLC; Mark Gorton; and M.J.G. Lime Wire Family
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